

Applicant: J. Heftberger
Application No.: 10/747,882
Examiner: C. Bottorff

Election/Restrictions

Applicant hereby elects with traverse to restrict the above-entitled application to Invention I as set forth in the Office Action, directed towards claims 1-2.

REMARKS

Applicant has elected with traverse Invention I. Applicant traverses the election of the invention requirement, as the restriction requirement is improper. An application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct. MPEP §803. If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP §803.

The Examiner identified Invention I as being classified in class 280, subclass 609 and Invention II as being classified in class 280, subclass 610. Class 280, subclass 609 is for skis with special shape, contour, or groove, namely, wherein the bottom or snow engaging surface is provided with a special or other than flat shape or contour. Class 280, subclass 610 is for made from a plurality of bonded layers and/or from a synthetic or man-made material.

Claims 3-5 recite a methods which includes the step of forming grooves or slits in the core. Skis having such a special shape, contour, or groove would be classified in class 280, subclass 609.

Thus, regardless of whether all claims are examined together or separately, a review of class 280, subclass 609 is required. As such, the search and examination can be made without a serious burden. Accordingly, an examination of all claims on the merits is required, even if the application includes claims to distinct or independent inventions. *See* MPEP § 803.

In light of the foregoing remarks, this application is now in condition for an examination on the merits, and early action is respectfully requested. If any questions remain regarding this response or the application in general, a telephone call to the undersigned would be appreciated

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since this should expedite the prosecution of the application for all concerned.

No fee is believed to be due. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 7590-X03-004).

Respectfully submitted,

P.D.F.

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